

Message Text

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ORIGIN EB-08

INFO OCT-01 AF-10 ARA-14 EUR-12 EA-12 NEA-10 ISO-00
CAB-05 SIG-03 MMO-04 IO-14 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 /106 R

DRAFTED BY EB/AVP:GGGRIFFITHS:VLV
APPROVED BY EB/OA:MHSTYLES
CAB - JRCHESN

-----093126 281854Z /75

R 281627Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY ATHENS
AMEMBASSY BANGKOK
AMEMBASSY BERN
AMEMBASSY BELGRADE
AMEMBASSY BONN
AMEMBASSY CANBERRA
AMEMBASSY CAIRO
AMEMBASSY DUBLIN
AMEMBASSY COPENHAGEN
AMEMBASSY BRASILIA
AMEMBASSY THE HAGUE
AMCONSUL HONG KONG
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MANILA
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMCONSUL RIO DE JANEIRO
AMEMBASSY ROME
AMEMBASSY SEOUL
AMEMBASSY STOCKHOLM
AMEMBASSY TAIPEI
AMEMBASSY TEL AVIV
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AMEMBASSY TOKYO
AMEMBASSY VIENNA
AMEMBASSY BRUSSELS
AMEMBASSY PARIS
AMEMBASSY NAIROBI
AMEMBASSY WELLINGTON

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E.O. 11652: N/A

TAGS: EAIR, XX

SUBJECT: CIVAIR - TEMPORARY LIBERALIZATION OF CHARTER
FLIGHT RULES

1. ON APRIL 19 CIVIL AERONAUTICS BOARD GRANTED EMERGENCY
BLANKET WAIVERS OF CERTAIN CHARTER FLIGHT RULES FOR 90
DAYS. THE ACTION WAS TAKEN TO AVOID EXCESSIVE CHARTER
FLIGHT CANCELLATIONS, WHICH WOULD RESULT IN DISRUPTION AND
INCONVENIENCE TO THE TRAVELING PUBLIC IN THE COMING PEAK
TRAVEL SEASON. THE BOARD FEARED THAT CHARTER CANCELLATIONS
WOULD BE CAUSED BY THE WIDE ADVERTISING OF DISCOUNT SCHEDULE
FARES. ACTION FOLLOWED SEVERAL PUBLIC MEETINGS WITH
CHARTER ORGANIZERS, AIRLINES AND OTHERS.

2. DURING THE 90 DAYS FORMAL CONSIDERATION WILL CONTINUE
ON WHETHER TO ADOPT SIMPLIFIED "PUBLIC CHARTER RULES" PRO-
POSED EARLIER BY BOARD TO EASE REGULATORY RESTRICTIONS ON
CHARTER FLIGHTS. DEPT IS POUCHING UNDER SEPARATE COVER A
COPY OF THE BOARD'S PROPOSED RULEMAKING ON PUBLIC CHARTERS.
BOTH THE TEMPORARY WAIVERS AND THE NEW RULES (IF ADOPTED)
WILL APPLY WITHIN U.S. AND BETWEEN U.S. AND ALL FOREIGN
POINTS. THEIR USE WILL BE PERMISSIVE, I.E., NOT ALL
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OPERATORS WILL TAKE ADVANTAGE OF ALL WAIVERS.

3. AS IN THE PAST, INTERNATIONAL CHARTER FLIGHTS REQUIRE
APPROVAL MOST FOREIGN GOVERNMENTS CONCERNED IF THE MATTER
IS NOT GOVERNED BY A BILATERAL AGREEMENT WITH THE U.S.
DEPT RECOGNIZES THAT FOREIGN GOVERNMENTS IN SOME CASES MAY
NOT CHOOSE TO WAIVE THE APPLICABILITY OF THEIR CHARTER
RULES WHEN THEY CONFLICT WITH THE TEMPORARY WAIVERS OR THE
NEW RULES. HOWEVER, WE WOULD HOPE FOR THE COOPERATION OF
FOREIGN GOVERNMENTS IN PERMITTING IMPLEMENTATION OF
CHANGES IN US CHARTER RESTRICTIONS AS MIGHT BE SOUGHT BY
AIRLINES DURING THIS PERIOD. (FLIGHTS TO AND FROM
COUNTRIES WITH WHICH THE US HAS ENTERED INTO COUNTRY-OF-
ORIGIN RULES, OR OTHER SPECIFIC CHARTER AGREEMENTS, WILL
BE GOVERNED BY TERMS AND CONDITIONS OF THE RESPECTIVE
AGREEMENTS.) THE BOARD WILL ISSUE A FORMAL ORDER CONFIRM-
ING ITS ACTIONS ON THIS WAIVER IN THE NEAR FUTURE.

4. SPECIFICALLY, THE WAIVERS:

-- ELIMINATE GROUP SIZE REQUIREMENTS, THUS PERMITTING
CHARTER OPERATORS TO INTERMINGLE, ON OUTBOUND FLIGHTS,

PASSENGERS WITH DIFFERENT RETURN DATES (THE SALE OF OPEN RETURN TICKETS WILL NOT BE PERMITTED, HOWEVER, AND OPERATORS MUST STILL CONTRACT WITH DIRECT AIR CARRIERS FOR A MINIMUM OF 20 SEATS FOR EACH CHARTER TYPE);

-- ALLOW ONE-WAY TICKETING ON ADVANCE BOOKING CHARTERS (ABC'S), EXCEPT TO THE UK (A RECENT US-UK AGREEMENT PROHIBITS ONE-WAY TICKETING);

-- ALLOW CHARTER OPERATORS TO CONVERT EMPTY SEATS ON THEIR INCLUSIVE-TOUR CHARTER (ITC'S) AND ONE-STOP-INCLUSIVE TOUR CHARTER (OTC'S) FLIGHTS, TO ABC'S WITHOUT FILING COMPLETE ABC CHARTER PROSPECTUSES WITH THE CAB, PROVIDED THAT THEY NOTIFY THE BOARD WITHIN FIVE DAYS AFTER THEIR DECISION TO UNCLASSIFIED

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CONVERT (SUCH CONVERSIONS PERMIT THEM TO OFFER ROUNDTRIP OR ONE-WAY AIR-ONLY TRANSPORTATION);

-- ALLOW DISCOUNT PRICES ON CHARTERS, SO LONG AS THE PRICES ARE NOT UNJUSTLY DISCRIMINATORY;

-- ALLOW CHARTER OPERATORS WHO CANCEL FLIGHTS TO PLACE THEIR PASSENGERS ON SCHEDULED SERVICE AT CHARTER RATES (AT THE SCHEDULED CARRIERS' OPTION);

-- ALLOW DIRECT CARRIERS TO ACCEPT PAYMENT FOR LESS-THAN PLANELOAD "SPLIT" CHARTERS A MINIMUM OF 15 DAYS BEFORE DEPARTURE (PREVIOUSLY, CARRIERS HAD TO BE PAID AT LEAST 30 DAYS BEFORE DEPARTURE);

-- ALLOW DIRECT CARRIERS TO OPERATE CHARTER FLIGHTS WHERE THE ENTIRE CAPACITY OF THE AIRCRAFT IS NOT UNDER CONTRACT, THUS PERMITTING CARRIERS TO SHARE THE EXPENSE OF UNSOLD SEATS WITH CHARTER OPERATORS.

5. POSTS MAY DRAW ON FOREGOING IF QUESTIONS ARE RAISED BY FOREIGN AUTHORITIES. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Disposition Approved on Date:
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Disposition Reason:
Disposition Remarks:
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Litigation Codes:
Litigation History:
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